

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-NINTH LEGISLATURE

SIXTIETH LEGISLATIVE DAY
THURSDAY, MARCH 8, 2007

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Andreason, Burkett, Cameron, Gannon, Langhorst, and Little, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Jamie Godfrey, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 7, 2007, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 119

BY STATE AFFAIRS COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND
AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT
A COMMITTEE TO UNDERTAKE AND COMPLETE A
STUDY OF TAX EXEMPTIONS, CREDITS AND
DEDUCTIONS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the state's current tax system includes the income tax on individuals and corporations, sales and use tax on taxable sales and property tax on real and personal property; and

WHEREAS, for many years the state's citizens enjoyed a balanced tax system; and

WHEREAS, because of a variety of factors, changes in state policy as well as federal changes in tax policy, the tax structure in place has become out of balance; and

WHEREAS, the number of Idaho's various tax exemptions, deductions and credits have expanded greatly in the past thirty years; and

WHEREAS, rising property taxes have forced property owners to seek creative methods of reducing property valuations within the law, thus causing inequities among property owners; and

WHEREAS, the Legislature recognizes that it has not provided assessors with proper statutory direction to address these inequities; and

WHEREAS, many tax exemptions, deductions or credits have been enacted by the Legislature over the past three decades and these need to be examined to determine their relevance in today's global economy and society; and

WHEREAS, it is the desire of this Legislature that a tax structure should encourage economic development and not hinder it.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a fourteen member committee to undertake and complete a study of the state's tax exemptions, deductions and credits in all of their aspects and to make recommendations for a strategy to statutorily limit exemptions, deductions and credits more specifically to the uses for which the exemptions, deductions and credits were originally intended. The Legislative Council shall determine the membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation to the Second Regular Session of the Fifty-ninth Idaho Legislature.

SCR 119 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senators Andreason, Cameron, and Gannon were recorded present at this order of business.

March 7, 2007

The JUDICIARY AND RULES Committee reports that S 1001, S 1002, S 1003, S 1012, S 1015, S 1018, S 1043, S 1049, S 1050, S 1055, S 1057, S 1058, S 1060, S 1061, S 1084, S 1086, S 1167, S 1168, S 1176, S 1177, SCR 105, SCR 108, SCR 109, and SCR 110 have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1001, S 1002, S 1003, S 1012, S 1015, S 1018, S 1043, S 1049, S 1050, S 1055, S 1057, S 1058, S 1060, S 1061, S 1084, S 1086, S 1167, S 1168, S 1176, S 1177, SCR 105, SCR 108, SCR 109, and SCR 110**, and ordered them transmitted to the House for the signature of the Speaker.

March 7, 2007

The JUDICIARY AND RULES Committee reports that **S 1136**, as amended, **S 1157**, as amended, and **S 1159**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

S 1136, as amended, **S 1157**, as amended, and **S 1159**, as amended, were filed for first reading.

March 7, 2007

The JUDICIARY AND RULES Committee reports that Senate amendments to **H 130, S 1157, S 1136, S 1159, and H 25** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 7, 2007

The STATE AFFAIRS Committee reports out **HCR 13** and **HCR 25** with the recommendation that they do pass.

McKENZIE, Chairman

HCR 13 and **HCR 25** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the desk for one legislative day.

March 7, 2007

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Mike Bosen to the Idaho State Racing Commission, term to expire January 1, 2013.

McKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 7, 2007

The FINANCE Committee reports out **H 257, H 258, and H 259** with the recommendation that they do pass.

CAMERON, Chairman

H 257, H 258, and H 259 were filed for second reading.

March 7, 2007

The STATE AFFAIRS Committee reports out **S 1181** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

McKENZIE, Chairman

There being no objection, **S 1181** was referred to the Fourteenth Order of Business, General Calendar.

March 7, 2007

The JUDICIARY AND RULES Committee reports out **S 1161, H 124, H 125**, as amended, **H 174**, as amended, and **H 194** with the recommendation that they do pass.

DARRINGTON, Chairman

S 1161, H 124, H 125, as amended, **H 174**, as amended, and **H 194** were filed for second reading.

March 7, 2007

The RESOURCES AND ENVIRONMENT Committee reports out **H 31** with the recommendation that it do pass.

SCHROEDER, Chairman

H 31 was filed for second reading.

March 7, 2007

The EDUCATION Committee reports out **H 231** and **H 232** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

GOEDDE, Chairman

H 231 and **H 232** were filed for second reading.

March 7, 2007

The EDUCATION Committee reports out **HCR 22** with the recommendation that it do pass.

GOEDDE, Chairman

HCR 22 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 8, 2007

The HEALTH AND WELFARE Committee reports out **H 238** and **H 147** with the recommendation that they do pass and with the recommendation that they be placed on the Consent Calendar.

LODGE, Chairman

H 238 and **H 147** were filed for second reading.

March 8, 2007

The HEALTH AND WELFARE Committee reports out **H 166**, as amended, with the recommendation that it do pass.

LODGE, Chairman

H 166, as amended, was filed for second reading.

March 8, 2007

The HEALTH AND WELFARE Committee reports out **HCR 19** with the recommendation that it be referred to the Education Committee.

LODGE, Chairman

There being no objection, **HCR 19** was re-referred to the Education Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senator Little was recorded present at this order of business.

March 7, 2007

Mr. President:

I transmit herewith **H 237, HCR 28, H 266, H 267, H 219, H 250, H 251, H 248, H 253, H 256, H 269, HCR 29, H 277, H 278, H 279, H 280, and H 155**, as amended, which have passed the House.

JUKER, Chief Clerk

H 237, HCR 28, H 266, H 267, H 219, H 250, H 251, H 248, H 253, H 256, H 269, HCR 29, H 277, H 278, H 279, H 280, and H 155, as amended, were filed for first reading.

March 7, 2007

Mr. President:

I return herewith **S 1067** which has passed the House.

JUKER, Chief Clerk

S 1067 was referred to the Judiciary and Rules Committee for enrolling.

March 7, 2007

Mr. President:

I transmit herewith Enrolled **H 221** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 221** and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Langhorst was recorded present this order of business.

The President Pro Tempore announced the State Affairs Committee report relative to the Gubernatorial appointment of Bradley T. Foltman was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Stennett, seconded by Senator Little, the Gubernatorial appointment of Bradley T. Foltman as Administrator of the Division of Financial Management was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that **HCR 16** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Pearce, seconded by Senator Kelly, **HCR 16** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that **HJM 1**, as amended, was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Hammond, seconded by Senator Werk, **HJM 1**, as amended, was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President Pro Tempore announced that **HJM 3** was before the Senate for final consideration.

Moved by Senator Fulcher, seconded by Senator Kelly, that **HJM 3** be adopted. The question being, "Shall the memorial be adopted?"

Roll call resulted as follows:

AYES--Bair, Bastian, Bilyeu, Broadsword, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Langhorst, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway. Total - 19.

NAYS--Andreason, Cameron, Coiner, Corder, Darrington, Davis, Gannon, Hill, Kelly, Keough, Little, Lodge, Stegner, Stennett, Werk. Total - 15.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **HJM 3** adopted, title was approved, and the memorial ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,
House Petitions, Resolutions, and Memorials**

S 1202

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO MEETINGS OF THE BOARD OF EXAMINERS; AMENDING SECTION 67-2002, IDAHO CODE, TO PROVIDE THAT THE STATE BOARD OF EXAMINERS SHALL HAVE REGULAR MEETINGS NOT LESS FREQUENTLY THAN MONTHLY, AND MAY HOLD SUCH ADJOURNED OR SPECIAL MEETINGS AS THE CHAIRMAN MAY DIRECT AND MAY MEET AT ANY TIME ON CALL OF THE CHAIRMAN OR A MAJORITY OF THE BOARD.

S 1203

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PROTECTION OF EMPLOYERS' LEGITIMATE BUSINESS INTERESTS THROUGH PROTECTIVE COVENANTS; AMENDING TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 27, TITLE 44, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO SET FORTH LEGISLATIVE INTENT AND STATE POLICY, TO DEFINE TERMS, TO PROVIDE FOR THE CONSTRUCTION, ENFORCEMENT AND MODIFICATION OF PROTECTIVE COVENANTS, TO PROVIDE FOR PREEMPTION AND TO PROVIDE SEVERABILITY.

S 1204

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE COMMISSION ON AGING FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND EXPRESSING LEGISLATIVE INTENT REGARDING THE QUALITY OF SERVICES PROVIDED TO SENIORS.

S 1205

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND EXPRESSING LEGISLATIVE INTENT REGARDING THE NORTHERN IDAHO ADJUDICATION.

S 1206

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS TO THE ENVIRONMENTAL REMEDIATION FUND; EXPRESSING LEGISLATIVE INTENT REGARDING THE ENVIRONMENTAL REMEDIATION FUND AND REQUIRING AN ANNUAL REPORT; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO USE OF THE WATER POLLUTION CONTROL FUND; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS TO THE IDAHO COMMUNITY REINVESTMENT PILOT INITIATIVE FUND.

S 1207

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; DIRECTING THE ALLOCATION OF SALARY SAVINGS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR NOXIOUS WEED CONTROL; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR EURASIAN WATERMILFOIL ERADICATION.

S 1208

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF VETERANS SERVICES WITHIN THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

S 1209

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; DIRECTING THE ALLOCATION OF SALARY SAVINGS; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF THE GENERAL FUND; AND SETTING FORTH THE CONDITIONS FOR THE REAPPROPRIATION.

S 1202, S 1203, S 1204, S 1205, S 1206, S 1207, S 1208, and **S 1209** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 130, as amended in the Senate, and **H 25**, as amended in the Senate, by Resources and Conservation Committee, were read the first time at length and filed for second reading.

S 1157, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

S 1136, as amended, by Resources and Environment Committee, was read the first time at length and filed for second reading.

S 1159, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

H 237, **H 253**, and **H 256** by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

HCR 28, by State Affairs Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

H 266, **H 269**, **H 277**, **H 278**, **H 279**, and **H 280**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 267 and **H 248**, by Ways and Means Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

H 219, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

HCR 29 by Education Committee, was introduced, read at length, and referred to the Education Committee.

H 250 and **H 251**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 155, as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 139, by Business Committee was read the second time at length and Filed for third reading, Consent Calendar.

S 1183, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 102, **H 135**, and **H 136** by Business Committee, were read the second time at length and filed for third reading.

H 182, by Education Committee, was read the second time at length and filed for third reading, Consent Calendar.

H 202, by Education Committee, was read the second time at length and filed for third reading.

H 181, **H 189**, **H 197**, and **H 198**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

S 1192, **S 1193**, **S 1194**, **S 1195**, **S 1197**, **S 1198**, **S 1199**, **S 1200**, and **S 1201**, by Finance Committee, were read the second time at length and filed for third reading.

H 190, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1169, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1169** passed, title was approved, and the bill ordered transmitted to the House.

S 1173 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1173** passed, title was approved, and the bill ordered transmitted to the House.

S 1174 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 34.

NAYS--None.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1174** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

Senator Burkett was recorded present at this order of business.

The President Pro Tempore declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President Pro Tempore called the Senate to order.

Report of the Committee of the Whole

Senator Burkett was recorded present at this order of business.

Senator Stegner, Chairman of the Committee of the Whole, reported that Committee has **H 81**, **H 56**, **S 1141**, **S 1115**, and **S 1181** under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:20 p.m. until the hour of 4 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 4 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Senators Cameron, Coiner, Gannon, Lodge, and Schroeder, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senators Cameron, Coiner, Gannon, Lodge, and Schroeder were recorded present at this order of business.

S 1186 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the President Pro Tempore declared **S 1186** passed, title was approved, and the bill ordered transmitted to the House.

President Pro Tempore Geddes called Senator McGee to the Chair.

S 1187 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the Acting President declared **S 1187** passed, title was approved, and the bill ordered transmitted to the House.

S 1188 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the Acting President declared **S 1188** passed, title was approved, and the bill ordered transmitted to the House.

S 1166 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Werk. Total - 33.

NAYS--Stegner. Total - 1.

Absent and excused--Stennett. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1166** passed, title was approved, and the bill ordered transmitted to the House.

S 1185 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the Acting President declared **S 1185** passed, title was approved, and the bill ordered transmitted to the House.

S 1182 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson,

Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the Acting President declared **S 1182** passed, title was approved, and the bill ordered transmitted to the House.

S 1184 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Werk. Total - 31.

NAYS--Kelly, Langhorst, Malepeai, Stennett. Total - 4.

Total - 35.

Whereupon the Acting President declared **S 1184** passed, title was approved, and the bill ordered transmitted to the House.

S 1189 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the Acting President declared **S 1189** passed, title was approved, and the bill ordered transmitted to the House.

S 1190 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the Acting President declared **S 1190** passed, title was approved, and the bill ordered transmitted to the House.

S 1191 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the Acting President declared **S 1191** passed, title was approved, and the bill ordered transmitted to the House.

H 79, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bair, Bastian, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Hill, Jorgenson, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Richardson, Schroeder, Siddoway, Stegner. Total - 24.

NAYS--Andreason, Bilyeu, Burkett, Coiner, Gannon, Heinrich, Kelly, Malepeai, Pearce, Stennett, Werk. Total - 11.

Total - 35.

Whereupon the Acting President declared **H 79**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 85, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 35.

Whereupon the Acting President declared **H 85**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 117 was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Geddes arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Langhorst, Lodge, Malepeai, McGee, McKague, Pearce, Richardson, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 32.

NAYS--Keough, Little, McKenzie. Total - 3.

Total - 35.

Whereupon the Acting President declared **H 117** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1183** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

S 1183 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Andreason arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKague, McKenzie, Pearce, Richardson, Schroeder, Siddoway, Stennett, Werk. Total - 34.

NAYS--Stegner. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1183** passed, title was approved, and the bill ordered transmitted to the House.

The President Pro Tempore returned to the Chair.

H 28 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bastian, Broadsword, Cameron, Coiner, Corder, Darrington, Gannon, Goedde, Hammond, McGee, McKenzie, Schroeder, Stegner, Stennett, Werk. Total - 15.

NAYS--Bair, Bilyeu, Burkett, Davis, Fulcher, Geddes, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McKague, Pearce, Richardson, Siddoway. Total - 19.

Absent and excused--Andreason. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared that **H 28** had failed to pass the Senate and ordered the bill returned to the House.

Having voted on the prevailing side by which **H 28** failed to pass the Senate, Senator Little served notice that he may on this or the next legislative day move for reconsideration of the vote.

H 28 was ordered held at the desk.

H 100 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Gannon, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 27.

NAYS--Burkett, Fulcher, Geddes, Hill, McKague, Pearce, Richardson. Total - 7.

Absent and excused--Andreason. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **H 100** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 6:15 p.m. until the hour of 9:30 a.m., Friday, March 9, 2007.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary